

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No.735 of 2021

Narayan Prusty

....

Petitioner

Mr. Maheswar Mohanty, *Advocate*

-versus-

Babuli Mishra and another

....

Opp. Parties

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

19.01.2022

Order No.

- 01.
1. This matter is taken up through Video Conferencing Mode.
 2. Heard learned counsel for the Petitioner.
 3. The present application has been filed by the Petitioner as defendant no.1 in C.S. No.149 of 2019 against the order dated 24.11.2021 passed by the learned Senior Civil Judge, Puri rejecting his application dated 16.03.2020 to call for the case record of C.S. No.481 of 2010 of the court of Civil Judge, Sr. Division, Puri.
 4. Perused the impugned order dated 24.11.2021. Learned court below has given justification in not calling for record of the suit bearing C.S. No.481 of 2010 at this juncture.
 5. Mr. Maheswar Mohanty, learned counsel for the Petitioner submits that certified copy of the plaint of the suit bearing C.S. No.481 of 2010 may not be made available to him by the concerned court.
 6. It is seen from the impugned order that the learned court below has rejected the application of the defendant no.1 as no

specific purpose is given by the Petitioner to call for the original case record and that both the plaintiff and defendant have not stated about the C.S. No.481 of 2010 in their respective pleadings.

7. Having heard learned counsel for the Petitioners, this Court while declining to interfere in the order dated 24.11.2021 disposes of the CMP with the observation that in course of the trial of the suit if the court below feels that the record in C.S. No.481 of 2010 is required for any purpose, the same shall be called for by the court below. Further it is also open for the Petitioner to make an application before the learned court below stating therein the grounds elaborately as to why the records of C.S. No.481 of 2010 is necessary in the present case. In the event, such an application is filed by the Petitioner-defendant no.1 the same shall be considered strictly in accordance with law by the court below.

8. With the aforesaid observation, the CMP application stands disposed of.

9. It is made clear that this Court does not express any opinion on the merits of the case.

10. As the restrictions due to resurgence of COVID -19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021 and Office Order dated 7th January, 2022.

(A.K. Mohapatra)
Judge

